



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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MEMORANDUM

TO: The Commission

FROM: Daniel A. Petalas *DP*
Associate General Counsel for Enforcement

Kathleen Guith *KG*
Deputy Associate General Counsel for Enforcement

William A. Powers *WP*
Acting Assistant General Counsel

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Attorney

SUBJECT: MUR 6699 (Friends of Trey Radel, Inc.)
Rescind Reason to Believe Finding and Authority to Use Compulsory
Process and Dismiss the Matter and Close the File (48-Hour Tally)

BACKGROUND:

The First General Counsel's Report in this matter recommended that the Commission find reason to believe that Friends of Trey Radel, Inc. and its treasurer violated 52 U.S.C. § 30111(a)(4) (formerly 2 U.S.C. § 438(a)(4)) and 11 C.F.R. § 104.15, and requested authority to investigate the alleged violation. The matter was scheduled for discussion at the November 6, 2014, Executive Session subject to objections by five Commissioners. Prior to the session, however, all six Commissioners agreed on a revised Factual and Legal Analysis that provided a rationale to dismiss the matter. Each Commissioner then changed his or her respective tally vote to approve this matter subject to the revised Factual and Legal Analysis.

DISCUSSION:

Though it is apparent that the Commissioners intended to dismiss this matter, the amended tally votes inadvertently approved OGC's recommendation to find reason to believe that a violation occurred and authorize an investigation. In order to accurately reflect the Commission's decision to dismiss the matter and close the file, the

1 Commission must vote to rescind the reason to believe finding and authority to
2 investigate, and instead vote to dismiss the matter and close the file. Accordingly, we ask
3 that the Commission approve the recommendations set forth below.¹
4

5 **RECOMMENDATIONS:**
6

- 7 1. Rescind the finding that there is reason to believe Friends of Trey Radel,
8 Inc. and Barbara Bisnette, as treasurer violated 52 U.S.C. § 30111(a)(4)
9 (formerly 2 U.S.C. § 438(a)(4)) and 11 C.F.R. § 104.15.
10
11 2. Rescind the authorization to use compulsory process in this matter.
12
13 3. Dismiss this matter pursuant to the Commission's prosecutorial discretion.
14
15 4. Close the file.

¹ The Commission's approval of the revised Factual and Legal Analysis and the appropriate letters from the November 6 tally vote will stand.